

# CITY COUNCIL PROCEEDINGS

JOURNAL 186

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## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 18, 2006  
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Judy Press, Mid-Kansas Jewish Federation gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the July 11, 2006 meeting were approved 7 to 0.

### DISTINGUISHED SERVICE CITATIONS:

Service Citations

Mayor Mayans recognized Samuel Roach and Rodney Ellenz for their many years of employment with the City of Wichita and presented them with a plaque.

### PUBLIC AGENDA

#### Kirk Anderson-Domestic Violence-"A Male's View."

Kirk Anderson

Mr. Anderson stated that he resides at 2938 Fern and that he and his ex-wife lost their only son to suicide over two years ago. Stated that he tried counseling with his ex-wife only to learn that she wanted a divorce and that people express their grief in many different ways and that she expressed hers with anger directed toward him. Stated that on July 7<sup>th</sup> of this year she stopped by his home for what was her third violation of a mutual protection of abuse order. Stated that he and his partner's 10-year-old son were outside in the front of his home and he asked his partner to call the police and he had his back to his ex-wife when he heard the first gun shot. Stated that at that point he started to yell at the boy to run to make sure he was not hit and another shot was fired at him. Stated he went to use his van for cover and heard the gun clicking and then nothing. Stated that he saw his ex-wife reaching into her car to get another weapon and he ran towards her car and slammed the car door on her legs and was trying to get her to let go of the gun. Stated that he wrestled her to the ground and got the gun loose and had her under control until the police showed up and as he stood up and walked towards the officers, they pointed their guns towards him and another officer was yelling at him that he was going to taser him and asked him to get on his knees. Stated that he was handcuffed as well as his partner who was still on the phone with 911 and her 10-year-old son who was in the house was subjected to officers running around with their guns drawn looking to secure the residence. Stated that they asked his ex-wife if he had shot her since her mouth was bleeding and she said "yes he shot me in the mouth" and the police believed her. Stated that witnesses had to be segregated and the police told reporters that he had shot his wife in the face, which was reported on the news. Stated that he is a male victim of domestic violence and his ex-wife is now in the county jail on a \$50,000.00 bail and if made bail, no one would even have to let him know. Stated that because of this he has lost his job at Spirit Aerospace and was still on probation at the time this occurred. Stated that since this occurred, not one person has shown any interest in this case. Stated that he believes if he were a female that there would be all kinds of help and assistance made available to him.

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## CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that items 7 and 8a be pulled for discussion.

Motion-- Mayans moved that the Consent Agenda be approved as presented except for items 7 and 8a.  
--carried Motion carried 7 to 0.

## **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 17, 2006.**

Bids were opened July 14, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications

Bayside Court from the west line of West Street to and including the cul-de-sac; Bayside from the north line of Bayside Court to the north line of Paradise; Paradise/Paradise Court from the south line of Emerald Bay Estates Addition to and including the cul-de-sac to serve Emerald Bay Estates Addition - north of 21st Street North, west of West Street. (472-84364/765981/490096) Does not affect existing traffic. (District V)

Lafarge North America - \$607,714.60

Fawnwood from the north line of Valley Hi Road, north to the north line of the plat; Fawnwood Court (Lots 65 thru 73, Block A) from the west line of Fawnwood, west to and including the cul-de-sac; Valley Hi Road and Valley Hi Circle from the west line of Lot 31, Block G, west to and including the cul-de-sac; Fawnwood Court (Lots 39 thru 48, Block A) from the west line of Fawnwood west to and including the cul-de-sac; Fawnwood Court (Lots 49 thru 61, Block A) from the west line of Fawnwood west to and including the cul-de-sac; Fawnwood Court (Lots 34 thru 40, Block G) from the east line of Fawnwood, east to and including the cul-de-sac; Fawnwood Court (Lots 41 thru 46, Block G) from the east line of Fawnwood, east to and including the cul-de-sac; Sidewalk on Fawnwood and Valley Hi Road to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (472-84291/765999/490116) Does not affect existing traffic. (District V)

Kansas Paving Company - \$696,938.25

2006 Contract Maintenance Bridgedeck Repair of Mt Vernon over I-135. (472-84374/132719/) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wildcat Construction - \$299,800.00 (Engineer Estimate)

Lateral 84, Main 22 War Industries Sewer to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (468-83673/744186/480874) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$51,600.00

City View from the north line of Lot 37, Block C, north to the northwest line of the plat; Burton from the east line of City View, east to the southeasterly line of Lot 26, Block C; Texas Circle from the north line of Burton, northeasterly to and including the cul-de-sac; Burton Court from the south line of Burton, south and east to and including the cul-de-sac; Sidewalk on one side of City View and Burton to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (472-84060/765982/490097) Does not affect existing traffic. (District V)

Kansas Paving Company - \$315,821.50

Motion-- Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest  
-carried and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: City Hall First Floor Remodel.

Walz Harman Huffman Construction, Inc. - \$1,363,000.00 (Total base bid)  
\$ 2,380.00 (Group 1/Option 1)  
\$ 8,400.00 (Group 1/Option 2)  
\$ 4,530.00 (Group 1/Option 3)  
(20 @ \$1,400.00 each) \$ 28,000.00 (Group 1/Option 4)  
\$ 1,406,310.00 (Total net bid)

Motion--  
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## CMBS

### APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Angela Ray	El Matador Lounge	2033 South Broadway

  

<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Mike Hoffman	Kwik Shop 714	4811 South Seneca
Mike Hoffman	Kwik Shop 716	2424 West 37th Street North
Mike Hoffman	Kwik Shop 722	3959 South Hydraulic
Mike Hoffman	Kwik Shop 727	7107 West 37th Street North
Mike Hoffman	Kwik Shop 731	710 West 29th Street North
Mike Hoffman	Kwik Shop 748	2809 East Douglas
Mike Hoffman	Kwik Shop 772	2750 South Oliver
James Brown	Conoco Cmart 600	433 S Greenwich Road

Motion--  
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

## PRELIM ESTS

### PRELIMINARY ESTIMATES:

- 2006 Sanitary Sewer Rehabilitation, Phase B - various locations north of 55th Street South, east of Webb Road. (468-84180/620453/666572) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, VI) - \$387,000.
- 2006 Sanitary Sewer Reconstruction, Phase 1 - various locations north of Pawnee, east of Broadway. (468-84187/620454/666573) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III) - \$515,000.
- Water Distribution System to serve Fawn Grove at Sunset Lakes Addition - south of Kellogg, west of Greenwich Road. (448-90194/735322/470993) Does not affect existing traffic. (District II) - \$38,000.
- Lateral 397 Four Mile Creek Sewer to serve Fawn Grove at Sunset Lakes Addition - south of Kellogg, west of Greenwich Road. (468-84185/744185/480873) Does not affect existing traffic. (District II) - \$88,000.
- 151st Street West Improvements - along 151st Street West, south of Maple. (472-84318/706939/205405) - 151st Street will be closed to through traffic during construction. (District V) - \$400,000.00

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- f) Water Distribution System to serve Woodland Lakes Estates 3rd & 4th Additions - north of Harry, west of 127th Street East. (448-89788/735311 /470982) Does not affect existing traffic. (District II) - \$74,000.00
- g) Water Distribution System to serve Woodland Lakes Estates 3rd & 4th Additions - north of Harry, west of 127th Street East. (448-89789/735298 /470969) Does not affect existing traffic. (District II) - \$47,520.00
- h) Water Distribution System to serve Timberlands Addition - north of Harry, west of 127th Street East. (448-90125/735314/470985) Does not affect existing traffic. (District II) - \$28,000.00
- i) Water Distribution System to serve Hawthorne 3rd Addition - north of 21st Street North, east of 127th Street East. (448-89995/735324/470995) Does not affect existing traffic. (District II) - \$121,000.00
- j) Lateral 7, Main 12 Four Mile Creek Sewer to serve Hawthorne 3rd Addition - north of 21st Street North, east of 127th Street East. (468-83874/ 744187/480875) Does not affect existing traffic. (District II) - \$93,000.00
- k) Water Distribution System to serve Falcon Falls 2nd, 3rd & Falcon Falls Commercial Additions - north of 45th Street North, west of Hillside. (448-90105/ 735291/470962) Does not affect existing traffic. (District I) - \$287,000.00
- l) Water Distribution System to serve Falcon Falls 3rd Addition - north of 45th Street North, west of Hillside. (448-90128/735315/470986) Does not affect existing traffic. (District I) - \$103,000.00
- m) Thoroughbred from the south line of Lot 1, Block E, north to the south line of Lot 21, Block D; Hardtner from the west line of Thoroughbred, west to the west line of the plat; Kentucky Lane from the north line of Hardtner, south to the south line of the plat; Hardtner Court from the north line of Hardtner, north to and including the cul-de-sac; Binter Circle from the west line of Thoroughbred, west and northwest to and including the cul-de-sac; Sidewalk constructed on both sides of Thoroughbred and on one side of Hardtner to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West) (472-83780/765991/490108) Does not affect existing traffic. (District V) - \$389,000.00
- n) Cost of a two-lane Asphaltic concrete mat pavement frontage road on Kellogg from 135th Street West to the west line of Lot 51, Block B, Auburn Hills 15th Addition -north of Kellogg, west of 135th Street West. (District V) (472-83962/765951/490-064) – Total Estimated Cost \$206,910.00

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed.. Motion carried 7 to 0.

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## STMNT OF COSTS

### STATEMENTS OF COST:

#### WATER

- a) Improving Water Distribution System to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$45,221.34 (plus idle fund interest - \$1,134.92, plus temporary note interest - \$643.74). Financing to be issued at this time - \$47,000.00. (735266/448-89661/470-937).
- b) Improving Water Distribution System to serve Northridge Plaza Addition (north of 37th Street North, west of Ridge Road). Total Cost - \$204,439.59 (plus idle fund interest - \$7,260.41, plus temporary note interest - \$0). Financing to be issued at this time - \$211,700.00. (735270/448-89696/470-941).
- c) Improving Water Distribution System to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West). Total Cost - \$81,816.95 (plus idle fund interest - \$426.26, plus temporary note interest - \$3,556.79). Financing to be issued at this time - \$85,800.00. (735214/448-89757/470-884).
- d) Improving Water Distribution System to serve Woodland Lakes Estates 3rd Addition (south of Lincoln, west of 127th Street East). Total Cost - \$72,145.46 (plus idle fund interest - \$187.57, plus temporary note interest - \$3,066.97). Financing to be issued at this time - \$75,400.00. (735239/448-89787/470-910).
- e) Improving Water Distribution System to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$53,801.58 (plus idle fund interest - \$724.60, plus temporary note interest - \$1,673.82). Financing to be issued at this time - \$56,200.00. (735259/448-89853/470-930).
- f) Improving Water Distribution System to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$66,433.99 (plus idle fund interest - \$2,466.01, plus temporary note interest - \$0). Financing to be issued at this time - \$68,900.00. (735283/448-89888/470-954).
- g) Improving Water Distribution System to serve English Country Gardens Addition (north of 13th Street North, east of Tyler). Total Cost - \$29,851.85 (plus idle fund interest - \$1,248.15, plus temporary note interest - \$0). Financing to be issued at this time - \$31,100.00. (735267/448-89913/470-938).
- h) Improving Water Distribution System to serve Krug North and Krug North 2nd Additions (north of 21st Street North, west of 143rd Street East). Total Cost - \$76,682.78 (plus idle fund interest - \$667.47, plus temporary note interest - \$2,349.75). Financing to be issued at this time - \$79,700.00. (735260/448-89935/470-931).
- i) Improving Water Distribution System to serve Prairie Pointe and Prairie Pointe 2nd Additions (north of 37th Street North, west of Maize). Total Cost - \$37,940.98 (plus idle fund interest - \$1,559.02, plus temporary note interest - \$0). Financing to be issued at this time - \$39,500.00. (735276/448-89951/470-947).
- j) Improving Water Distribution System to serve Rio Vista Estates 4th Addition (north of 61st Street North, west of Meridian). Total Cost - \$91,133.42 (plus idle fund interest - \$2,057.14, plus temporary note interest - \$1,609.44). Financing to be issued at this time - \$94,800.00. (735247/448-89981/470-918).
- k) Improving Water Distribution System to serve Hawthorne 2nd and Hawthorne 3rd Additions (north of 21st Street North, east of 127th Street East). Total Cost - \$47,607.62 (plus idle fund interest - \$1,692.38, plus temporary note interest - \$0). Financing to be issued at this time - \$49,300.00. (735277/448-89994/470-948).

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- l) Improving Water Distribution System to serve Hawthorne 3rd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$39,385.96 (plus idle fund interest - \$423.07, plus temporary note interest - \$1,190.97). Financing to be issued at this time - \$41,000.00. (735262/448-89995/470-933).
- m) Improving Water Distribution System to serve Southern Ridge 2nd Addition (south of Pawnee, west of Maize). Total Cost - \$63,413.39 (plus idle fund interest - \$2,686.61, plus temporary note interest - \$0). Financing to be issued at this time - \$66,100.00. (735272/448-90009/470-943).
- n) Improving Water Distribution System to serve Copper Gate North Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$79,781.98 (plus idle fund interest - \$836.08, plus temporary note interest - \$2,381.94). Financing to be issued at this time - \$83,000.00. (735252/448-90014/470-923).
- o) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$99,923.54 (plus idle fund interest - \$4,076.46, plus temporary note interest - \$0). Financing to be issued at this time - \$104,000.00. (735275/448-90023/470-946).
- p) Improving Water Distribution System to serve Cheryl's Hollow Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$76,239.31 (plus idle fund interest - \$743.13, plus temporary note interest - \$2,317.56). Financing to be issued at this time - \$79,300.00. (735232/448-90029/470-903).
- q) Improving Water Distribution System to serve Cheryl's Hollow Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$79,480.66 (plus idle fund interest - \$873.02, plus temporary note interest - \$2,446.32). Financing to be issued at this time - \$82,800.00. (735233/448-90030/470-904).
- r) Improving Water Distribution System to serve Northwest YMCA Addition (north of 21st Street North, west of 135th Street West). Total Cost - \$246,149.98 (plus idle fund interest - \$6,731.14, plus temporary note interest - \$3,218.88). Financing to be issued at this time - \$256,100.00. (735243/448-90043/470-914).
- s) Improving Water Distribution System to serve Northwest YMCA Addition (north of 21st Street North, west of 135th Street West). Total Cost - \$20,774.91 (plus idle fund interest - \$925.09, plus temporary note interest - \$0). Financing to be issued at this time - \$21,700.00. (735244/448-90044/470-915).
- t) Improving Water Distribution System to serve Southern Ridge 3rd Addition, Phase 4 (south of Pawnee, west of Maize Road). Total Cost - \$34,991.00 (plus idle fund interest - \$1,309.00, plus temporary note interest - \$0). Financing to be issued at this time - \$36,300.00. (735280/448-90055/470-951).
- u) Improving Water Distribution System to serve Woodland Heights Addition (south of Central, east of Ridge). Total Cost - \$58,455.92 (plus idle fund interest - \$473.69, plus temporary note interest - \$1,770.39). Financing to be issued at this time - \$60,700.00. (735268/448-90059/470-939).
- v) Improving Water Distribution System to serve North Ridge Village Addition (north of 37th Street North, west of Ridge). Total Cost - \$86,414.81 (plus idle fund interest - \$1,397.65, plus temporary note interest - \$1,287.54). Financing to be issued at this time - \$89,100.00. (735257/448-90061/470-928).

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- w) Improving Water Distribution System to serve Oak Creek Addition (south of 21st Street North, west of Greenwich). Total Cost - \$126,898.97 (plus idle fund interest - \$1,338.35, plus temporary note interest - \$3,862.68). Financing to be issued at this time - \$132,100.00. (735253/448-90067/470-924).
- x) Improving Water Distribution System to serve Maple Shade Addition (north of Pawnee, east of Webb). Total Cost - \$61,230.42 (plus idle fund interest - \$1,625.84, plus temporary note interest - \$643.74). Financing to be issued at this time - \$63,500.00. (735263/448-90070/470-934).
- y) Improving Water Distribution System to serve Whistling Walk Estates Addition (south of 13th, west of 119th Street West). Total Cost - \$187,293.00 (plus idle fund interest - \$3,583.43, plus temporary note interest - \$4,023.57). Financing to be issued at this time - \$194,900.00. (735256/448-90071/470-927).
- z) Improving Water Distribution System to serve Killarney Plaza East Addition (north of 29th Street North, west of Rock). Total Cost - \$33,056.17 (plus idle fund interest - \$1,343.83, plus temporary note interest - \$0). Financing to be issued at this time - \$34,400.00. (735269/448-90077/470-940).
- aa) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$83,011.64 (plus idle fund interest - \$1,042.04, plus temporary note interest - \$2,446.32). Financing to be issued at this time - \$86,500.00. (735254/448-90079/470-925).
- bb) Improving Water Distribution System to serve Regency Park 3rd Addition (south of 29th Street North, west of Greenwich). Total Cost - \$23,598.45 (plus idle fund interest - \$325.62, plus temporary note interest - \$675.93). Financing to be issued at this time - \$24,600.00. (735265/448-90089/470-936).
- cc) Improving Water Distribution System to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$79,852.83 (plus idle fund interest - \$2,947.17, plus temporary note interest - \$0). Financing to be issued at this time - \$82,800.00. (735282/448-90095/470-953).
- dd) Improving Water Distribution System to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler). Total Cost - \$82,169.22 (plus idle fund interest - \$3,530.78, plus temporary note interest - \$0). Financing to be issued at this time - \$85,700.00. (735271/448-90103/470-942).
- ee) Improving Water Distribution System to serve Falcon Falls 2nd Addition (north of 45th Street North, west of Hillside). Total Cost - \$76,294.53 (plus idle fund interest - \$4,105.47, plus temporary note interest - \$0). Financing to be issued at this time - \$80,400.00. (735285/448-90106/470-956).
- ff) Improving Water Distribution System to serve Brentwood South Addition (north of Pawnee, east of Webb). Total Cost - \$61,853.68 (plus idle fund interest - \$2,346.32, plus temporary note interest - \$0). Financing to be issued at this time - \$64,200.00. (735274/448-90111/470-945).
- gg) Improving Water Distribution System to serve Fawn Grove Addition (north of Harry, west of Greenwich). Total Cost - \$45,889.96 (plus idle fund interest - \$1,710.04, plus temporary note interest - \$0). Financing to be issued at this time - \$47,600.00. (735281/448-90115/470-952).

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## SEWER

- hh) Constructing Lateral 3, Main 11, Four Mile Creek Sewer to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$424,929.22 (plus idle fund interest - \$11,215.65, plus temporary note interest - \$7,705.13). Sewer Main Benefit Fee - \$16,150.00. Financing to be issued at this time - \$460,000.00. (744135/468-83402/480-823).
- ii) Constructing Lateral 330, Four Mile Creek Sewer to serve Meadowland Addition (north of Kellogg, west of 143rd Street East). Total Cost - \$69,784.33 (plus idle fund interest - \$2,815.67, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$72,600.00. (744150/468-83415/480-838).
- jj) Constructing Lateral 5, Main 19 Southwest Interceptor Sewer to serve Northridge Plaza Addition (north of 37th Street North, west of Ridge Road). Total Cost - \$300,886.21 (plus idle fund interest - \$11,713.79, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$312,600.00. (744139/468-83451/480-827).
- kk) Constructing Lateral 347, Four Mile Creek Sewer to serve Woodland Lakes Estates Addition (north of Harry, west of 127th Street East). Total Cost - \$57,645.96 (plus idle fund interest - \$184.62, plus temporary note interest - \$2,769.42). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$60,600.00. (744108/468-83590/480-796).
- ll) Constructing Lateral 366, Four Mile Creek Sewer to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$187,228.35 (plus idle fund interest - \$2,438.58, plus temporary note interest - \$5,633.07). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$195,300.00. (744127/468-83789/480-815).
- mm) Constructing Main 20 Southwest Interceptor Sewer (north of 21st Street, east and west of Hoover). Total Cost - \$809,262.19 (plus idle fund interest - \$3,081.88, plus temporary note interest - \$31,455.93). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$843,800.00. (744056/468-83796/480-744).
- nn) Constructing Main 16, Four Mile Creek Sewer (along Greenwich from one-half mile south of 21st to K-96 Highway). Total Cost - \$1,086,496.39 (plus idle fund interest - \$20,261.89, plus temporary note interest - \$24,141.72). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$1,130,900.00. (744115/468-83803/480-803).
- oo) Constructing Lateral 2, Main 7, Northwest Interceptor Sewer to serve Prairie Pointe and Prairie Pointe 2nd Additions (north of 37th Street North, west of Maize). Total Cost - \$83,240.08 (plus idle fund interest - \$3,259.92, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$86,500.00. (744144/468-83808/480-832).
- pp) Constructing Main 6, Cowskin Interceptor Sewer to serve Turkey Creek Addition (south of Kellogg, west of 119th Street West). Total Cost - \$560,459.04 (plus idle fund interest - \$19,305.68, plus temporary note interest - \$2,335.28). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$582,100.00. (744081/468-83817/480-769).
- qq) Constructing Lateral 108, Sanitary Sewer #23 to serve Sand Plum Addition (south of 45th Street North, west of Webb). Total Cost - \$191,886.48 (plus idle fund interest - \$881.62, plus temporary note interest - \$8,331.90). Sewer Main Benefit Fee - \$21,000.00. Financing to be issued at this time - \$222,100.00. (744073/468-83822/480-761).
- rr) Constructing Lateral 1, Main 22, Southwest Interceptor Sewer to serve Blue Lake Addition (south of 31st Street South, west of West Street). Total Cost - \$258,473.56 (plus idle fund interest - \$1,283.71, plus temporary note interest - \$12,842.73). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$272,600.00. (744086/468-83862/480-774).



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- ss) Constructing Lateral 7, Main 13, Four Mile Creek Sewer to serve Hawthorne 2nd and Hawthorne 3rd Additions (north of 21st Street North, east of 127th Street East). Total Cost - \$62,855.64 (plus idle fund interest - \$2,344.36, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$65,200.00. (744145/468-83872/480-833).
- tt) Constructing Lateral 6, Main 12, Four Mile Creek Sewer to serve Hawthorne 3rd Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$88,716.40 (plus idle fund interest - \$976.33, plus temporary note interest - \$2,607.27). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$92,300.00. (744129/468-83873/480-817).
- uu) Constructing Lateral 11, Main 7, Northwest Interceptor Sewer to serve Evergreen 5th Addition (south of 29th Street North, west of Maize). Total Cost - \$65,338.66 (plus idle fund interest - \$2,561.34, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$67,900.00. (744146/468-83900/480-834).
- vv) Constructing Lateral 14, Main 6, Sanitary Sewer #23 to serve Woodlawn North Pointe Addition (south of 29th Street North, east of Woodlawn). Total Cost - \$59,361.32 (plus idle fund interest - \$489.02, plus temporary note interest - \$2,549.66). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$62,400.00. (744093/468-83901/480-781).
- ww) Constructing Lateral 3, Main 4, Northwest Interceptor Sewer to serve Copper Gate North Addition (north of h, west of 135th Street West). Total Cost - \$230,395.69 (plus idle fund interest - \$3,183.70, plus temporary note interest - \$6,920.61). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$240,500.00. (744120/468-83907/480-808).
- xx) Constructing Lateral 48, Main 24, War Industries Sewer to serve The Waterfront 4th Addition (north of 13th Street North, east of Webb). Total Cost - \$60,322.08 (plus idle fund interest - \$382.73, plus temporary note interest - \$2,595.19). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$63,300.00. (744092/468-83918/480-780).
- yy) Constructing Lateral 4, Main 4, Northwest Interceptor Sewer to serve Cheryl's Hollow Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$126,856.56 (plus idle fund interest - \$1,454.94, plus temporary note interest - \$3,888.50). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$132,200.00. (744100/468-83937/480-788).
- zz) Constructing Lateral 373, Four Mile Creek Sewer to serve Prairie Pond Plaza Addition (north of Kellogg, east of 143rd Street East). Total Cost - \$119,210.36 (plus idle fund interest - \$4,489.64, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$123,700.00. (744122/468-83940/480-810).
- aaa) Constructing Lateral 1, Main 10, Northwest Interceptor Sewer to serve Northwest YMCA Addition (north of 21st Street North, west of 135th Street West). Total Cost - \$94,083.66 (plus idle fund interest - \$1,527.54, plus temporary note interest - \$2,188.80). Sewer Main Benefit Fee - \$75,000.00. Financing to be issued at this time - \$172,800.00. (744111/468-83957/480-799).
- bbb) Constructing Lateral 45, Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize). Total Cost - \$49,942.11 (plus idle fund interest - \$674.40, plus temporary note interest - \$1,448.49). Sewer Main Benefit Fee - \$17,835.00. Financing to be issued at this time - \$69,900.00. (744128/468-83965/480-816).
- ccc) Constructing Lateral 46, Cowskin Interceptor Sewer to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize). Total Cost - \$76,238.54 (plus idle fund interest - \$2,933.46, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$30,128.00. Financing to be issued at this time - \$109,300.00. (744142/468-83966/480-830).

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- ddd) Constructing Lateral 1, Main 16, Four Mile Creek Sewer to serve Oak Creek Addition (south of 21st Street North, west of Greenwich). Total Cost - \$204,271.42 (plus idle fund interest - \$2,590.82, plus temporary note interest - \$6,437.76). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$213,300.00. (744121/468-83984/480-809).
- eee) Constructing Lateral 375, Four Mile Creek Sewer to serve Maple Shade Addition (north of Pawnee, east of Webb). Total Cost - \$66,615.73 (plus idle fund interest - \$824.23, plus temporary note interest - \$2,060.04). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$69,500.00. (744130/468-83994/480-818).
- fff) Constructing Lateral 6, Main 4, Northwest Interceptor Sewer to serve Whistling Walk Estates Addition (south of 13th Street North, west of 119th Street West). Total Cost - \$207,277.91 (plus idle fund interest - \$3,293.77, plus temporary note interest - \$4,828.32). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$215,400.00. (744124/468-84005/480-812).
- ggg) Constructing Main 4, Northwest Interceptor Sewer to serve Whistling Walk Estates 2nd, 3rd, and 4th Additions (south of 13th, west of 119th Street West). Total Cost - \$102,275.00 (plus idle fund interest - \$0, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$99,150.00. Financing to be issued at this time - \$102,575.00. (744125/468-84006/480-813).
- hhh) Constructing Lateral 2, Main 6, Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$146,699.27 (plus idle fund interest - \$1,555.26, plus temporary note interest - \$4,345.47). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$152,600.00. (744123/468-84021/480-811).
- iii) Constructing Lateral 7, Main 26, War Industries Sewer to serve Regency Park 3rd Addition (south of 29th Street North, west of Greenwich Road). Total Cost - \$48,825.13 (plus idle fund interest - \$694.19, plus temporary note interest - \$1,480.68). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$51,000.00. (744133/468-84035/480-821).
- jjj) Constructing Lateral 377, Four Mile Creek Sewer to serve Home Bank & Trust Addition (north of 13th, west of Greenwich Road). Total Cost - \$31,721.09 (plus idle fund interest - \$1,278.91, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$4,000.00. Financing to be issued at this time - \$37,000.00. (744153/468-84050/480-841).
- kkk) Constructing Lateral 378, Four Mile Creek Sewer to serve Krug North 2nd Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$117,722.69 (plus idle fund interest - \$4,477.31, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$122,200.00. (744152/468-84054/480-840).
- lll) Constructing Lateral 24, Main 19, Southwest Interceptor Sewer to serve Tyler's Landing 3rd Addition (south of 37th Street North, east of Tyler). Total Cost - \$301,226.62 (plus idle fund interest - \$10,798.43, plus temporary note interest - \$1,474.95). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$313,500.00. (744141/468-84063/480-829).
- mmm) Constructing Lateral 381, Four Mile Creek Sewer to serve Brentwood South Addition (north of Pawnee, east of Webb). Total Cost - \$99,048.12 (plus idle fund interest - \$3,751.88, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$102,800.00. (744143/468-84071/480-831).
- nnn) Constructing Lateral 383, Four Mile Creek Sewer to serve Fawn Grove Addition (north of Harry, west of Greenwich). Total Cost - \$83,835.88 (plus idle fund interest - \$3,164.12, plus temporary note interest - \$0). Sewer Main Benefit Fee - \$0. Financing to be issued at this time - \$87,000.00. (744151/468-84082/480-839).

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## STORM WATER SEWER AND STORM WATER DRAIN

- ooo) Constructing Storm Water Drain No. 199 to serve Woodland Lakes Estates 3rd Addition (north of Harry, west of 127th Street East). Total Cost - \$430,056.69 (plus idle fund interest - \$4,466.61, plus temporary note interest - \$14,876.70). Financing to be issued at this time - \$449,400.00 (751393/468-83592/485-284).
- ppp) Constructing Storm Water Drain No. 201 to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$124,068.41 (plus idle fund interest - \$1,590.81, plus temporary note interest - \$3,540.78). Financing to be issued at this time - \$129,200.00 (751400/468-83598/485-291).
- qqq) Constructing Storm Water Drain No. 224 to serve Avalon Park 2nd Addition (north of 37th Street North, east of Tyler). Total Cost - \$292,784.14 (plus idle fund interest - \$5,468.66, plus temporary note interest - \$8,047.20). Financing to be issued at this time - \$306,300.00 (751374/468-83750/485-265).
- rrr) Constructing Storm Water Drain No. 232 to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$385,911.57 (plus idle fund interest - \$1,753.96, plus temporary note interest - \$20,334.47). Financing to be issued at this time - \$408,000.00 (751369/468-83813/485-260).
- sss) Constructing Storm Water Drain No. 240 to serve The Plaza at Cherry Creek Hills Addition (north of Oak Knoll, east of Rock Road). Total Cost - \$40,158.12 (plus idle fund interest - \$214.62, plus temporary note interest - \$1,027.26). Financing to be issued at this time - \$41,400.00 (751383/468-83899/485-274).
- ttt) Constructing Storm Water Drain No. 241 to serve Copper Gate North Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$148,871.61 (plus idle fund interest - \$4,418.95, plus temporary note interest - \$1,609.44). Financing to be issued at this time - \$154,900.00 (751396/468-83908/485-287).
- uuu) Constructing Storm Water Drain No. 245 to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$233,472.82 (plus idle fund interest - \$1,232.22, plus temporary note interest - \$5,794.96). Financing to be issued at this time - \$240,500.00 (751385/468-83929/485-276).
- vvv) Constructing Storm Water Drain No. 249 to serve Cheryl's Hollow Addition (north of 13th Street North, west of 135th Street West). Total Cost - \$185,728.29 (plus idle fund interest - \$1,004.56, plus temporary note interest - \$6,967.15). Financing to be issued at this time - \$193,700.00 (751389/468-83938/485-280).
- www) Constructing Storm Water Drain No. 250 to serve The Waterfront Addition (north of 13th Street North, east of Webb). Total Cost - \$292,279.03 (plus idle fund interest - \$8,401.98, plus temporary note interest - \$3,418.99). Financing to be issued at this time - \$304,100.00 (751394/468-83950/485-285).
- xxx) Constructing Storm Water Drain No. 253 to serve Southern Ridge 3rd Addition (south of Pawnee, west of Maize). Total Cost - \$640,852.65 (plus idle fund interest - \$21,728.47, plus temporary note interest - \$3,218.88). Financing to be issued at this time - \$665,800.00 (751406/468-83968/485-297).
- yyy) Constructing Storm Water Sewer No. 614 to serve Maple Shade Addition (east of Webb, north of Pawnee). Total Cost - \$75,305.56 (plus idle fund interest - \$2,994.44, plus temporary note interest - \$0). Financing to be issued at this time - \$78,300.00 (751407/468-83995/485-298).

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- zzz) Constructing Storm Water Drain No. 262 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$167,150.82 (plus idle fund interest - \$4,939.74, plus temporary note interest - \$1,609.44). Financing to be issued at this time - \$173,700.00 (751398/468-83996/485-289).
- aaaa) Constructing Storm Water Sewer No. 615 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler). Total Cost - \$147,094.02 (plus idle fund interest - \$4,096.54, plus temporary note interest - \$1,609.44). Financing to be issued at this time - \$152,800.00 (751399/468-83998/485-290).
- bbbb) Constructing Storm Water Drain No. 264 to serve Avalon Park Addition (north of 37th Street North, east of Maize). Total Cost - \$163,319.55 (plus idle fund interest - \$2,939.67, plus temporary note interest - \$3,540.78). Financing to be issued at this time - \$169,800.00 (751401/468-84011/485-292).
- cccc) Constructing Storm Water Drain No. 265 to serve Avalon Park Addition (north of 37th Street North, east of Maize). Total Cost - \$223,546.16 (plus idle fund interest - \$3,725.52, plus temporary note interest - \$4,828.32). Financing to be issued at this time - \$232,100.00 (751402/468-84012/485-293).
- dddd) Constructing Storm Water Drain No. 267 to serve Prairie Pond Plaza Addition (north of Kellogg, east of 143rd Street East). Total Cost - \$121,782.64 (plus idle fund interest - \$4,517.36, plus temporary note interest - \$0). Financing to be issued at this time - \$126,300.00 (751397/468-84014/485-288).
- eeee) Constructing Storm Water Drain No. 268 to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$160,250.48 (plus idle fund interest - \$5,949.52, plus temporary note interest - \$0). Financing to be issued at this time - \$166,200.00 (751409/468-84015/485-300).
- ffff) Constructing Storm Water Sewer No. 617 to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$105,948.68 (plus idle fund interest - \$1,493.39, plus temporary note interest - \$3,057.93). Financing to be issued at this time - \$110,500.00 (751404/468-84029/485-295).

Motion--carried

Mayans moved that the file be approved. Motion carried 7 to 0.

## PETITION

### **CONSTRUCT A WATER DISTRIBUTION SYSTEM IN SANTA FE INDUSTRIAL ADDITION, SOUTH OF KELLOGG, EAST OF TYLER. (DISTRICT V)**

Agenda Report No. 06-0732

The Petition has been signed by one owner representing 100% of the improvement district.

The project will extend a waterline to a tract of land owned by the Learjet Company that is not directly served by a public water line.

The Petition totals \$38,000. The funding source is special assessments.

This project addresses the Efficient Infrastructure goal by improving municipal water supply to an existing industrial plant. It also addresses the Economic Vitality and Affordable Living goal by providing needed infrastructure improvements for one of the City's larger employers.

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State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

Motion--  
--carried

Mayas moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-395

Resolution of findings of advisability and resolution authorizing construction of water distribution system number 448-90206 (south of Kellogg, East of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

## PETITION

### **CONSTRUCT A SANITARY SEWER TO SERVE EARHART SCHOOL AND THE SURROUNDING AREA, EAST AND WEST OF ARKANSAS AVENUE, FROM SOUTH OF 41ST STREET NORTH TO NORTH OF 43RD STREET NORTH. (DISTRICT VI)**

Agenda Report No. 06-0733

On September 14, 2004, the City Council approved a petition to construct a sanitary sewer to serve Earhart School located on the west side of Arkansas Avenue at 43rd St. North. Because a gravity flow sewer main was not available, the design concept was to construct a force main that could only serve the School. Since that time, design work has begun on a gravity flow sewer main that will extend north along Arkansas Avenue from 37th Street North and can serve a much larger area and lower the cost for the School. The School District has submitted a new Petition that consolidates the assessment to their property with Sewer Utility funding. The signature on the petition represents 100% of the improvement district.

Earhart School, which was recently expanded, is currently served by a private septic tank system. The new sanitary sewer main will also serve a residential area on the east side of Arkansas Avenue that submitted a lateral sanitary sewer petition that was approved by the City Council on February 7, 2006.

The existing Petition totals \$255,000 with the total paid by special assessments. The new Petition totals \$1,325,000 with \$75,000 assessed to the Earhart School property and the balance paid by the Sanitary Sewer Utility. The petitioned project on the east side of Arkansas Avenue will contribute an additional \$80,000 as main benefit fees. Additional main benefit fees will be collected in the future as lateral sanitary sewers are extended into the surrounding area.

This project addresses the Efficient Infrastructure goal by extending sanitary sewer service to an area of the community currently served by private septic tank systems. It also addresses the Dynamic Core Area and Vibrant Neighborhoods Goal.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or a majority of property in the improvement district.

Motion--  
--carried

Mayans moved that the Petition be approved; the authorizing Resolution adopted; the Resolution authorizing revenue bonds adopted; the notice of intent to issue revenue bonds approved and the necessary signatures authorized. Motion carried 7 to 0.

## RESOLUTION NO. 06-396

Resolution of findings of advisability and resolution authorizing construction authorizing construction of lateral 2, main 16, sanitary sewer #23 and main 16 sanitary sewer #23 (west of Arkansas, north of 41<sup>st</sup> Street North) 468-83876 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-397

A Resolution of the City of Wichita, Kansas declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$1,250,000 exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas Brewer, Fearey, Gray, Martz, Schlapp, Skelton and Mayans.

### **STREET CLOSURES      CONSIDERATION OF STREET CLOSURES/USES.**

There were no streets to consider.

### **(Item 7) AGRMNTS/CONTS      CONTRACTS AND AGREEMENTS FOR JUNE 2006.**

Council Member Skelton      Council Member Skelton asked about the employment consulting that is listed in this report.

George Kolb      City Manager explained that this is for Slavin Management Consultants, which is a headhunter that is doing a search for the IT/IS Director.

Motion--carried      Mayans moved that the file be received. Motion carried 7 to 0.

### **(Item 8a) DUMONT STADIUM      LAWRENCE DUMONT STADIUM-ARCHITECTURAL AND ENGINEERING SERVICES FOR SCHEMATIC DESIGN OF IMPROVEMENTS. (DISTRICT IV)**

Agenda Report No. 06-0734

Lawrence Dumont Stadium is a historic baseball stadium and home to the Wichita Wranglers, an AA affiliate team for the Kansas City Royals and a member of the Texas League. The Stadium is one of the oldest facilities for professional baseball still in use in the United States, and its old-school charm as a sports venue plays an important role in the entertainment portion of the quality of life in Wichita.

Considerable work has been done over the years to update the stadium and keep it functionally current with the newer ballparks found elsewhere. The most recent such project was completed in 2002, but there is an ongoing need for additional work to be done in other areas of the facility as efforts continue to meet the needs of the both the players and the fans and to enhance their experience of participating in baseball at Lawrence Dumont Stadium.

Current priorities at Lawrence Dumont Stadium are focused on three particular needs.

- The artificial turf on the playing field is in need of replacement.
- The concessions stands are limited in their ability to prepare and serve food, and they need to be renovated to bring them up to current standards.
- The dugouts are too small and need to be enlarged to bring them up to current standards.

It is recommended the turf replacement be accomplished between the 2006 and 2007 baseball seasons. It is also desired that the concession stand and dugout modifications be accomplished between either the 2006 and 2007 seasons or between the 2007 and 2008 seasons, depending on funding availability. However, before construction documents can be prepared, bids taken and the work contracted, a budget must be prepared to use in getting funds appropriated.

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On October 24, 2005, Purchasing issued RFP FP500082 – Architectural and Engineering Services for Schematic Design of Improvements at Lawrence Dumont Stadium. The Staff Screening and Selection Committee conducted interviews with the 3 respondents via teleconference. The 3 respondents were Schafer Johnson Cox and Frey, Kenneth Brown Architects, and Law Kingdon, Inc. Schafer Johnson Cox and Frey were selected as the most qualified consultant.

Schaefer Johnson Cox and Frey proposes to provide a Schematic Design and Construction Estimate in cooperation with City of Wichita Staff and Wichita Wrangler Staff to address the above issues for the contract amount of seventeen thousand, two hundred and fifty dollars, (\$17,250.00).

Funding for the Contract will come from the Enhanced Building Maintenance Fund (OCA 792310)

Enhance Quality of Life

The Law Department has approved the Agreement as to form.

Council Member Skelton Council Member Skelton asked if this is a planned CIP expenditure.

George Kolb City Manager stated yes.

Motion-- Mayans moved that the Contract be approved and the necessary signatures authorized. Motion  
--carried carried 7 to 0.

## SALE OF PARCEL

### **SALE OF PARCEL AT THE SOUTHEAST CORNER OF EMPORIA AND 1ST STREET. (DISTRICT VI)**

On May 4, 2004, the City Council approved the marketing of the City-owned parcel at the southeast corner of Emporia and First Street as surplus property. This parcel contains 7,000 square feet and is improved as a surface parking lot. The lot has approximately 27 parking spaces.

The property was marketed on the Internet and through information sent to the real estate community. The parcel is immediately north of an 11,600 square foot office building. The potential purchaser, Landmark Commercial Real Estate, is currently in the process of acquiring this building for use as their headquarters. They need additional parking to support this building. They have offered \$50,000 (\$7.14 per square foot) for the property. In addition, the buyer will be responsible for needed repairs to the lot. Repairs totaling between \$9,500 and \$19,000 were programmed for this lot this year.

The City will receive cash consideration for the sale of the property. Upon sale, the property will return to the tax rolls and the City will be relieved of maintenance responsibility.

The proposed sale insures efficient infrastructure by optimizing public assets. As this parcel is surplus to the City's needs, the sale will provide a return of a portion of the City's investment.

The Law Department approved the contract as to form.

Motion-- Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures  
--carried authorized. Motion carried 7 to 0.

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## CLAIMS

### REPORT ON CLAIMS ALLOWED FOR JUNE 2006:

<u>Name of Claimant</u>	<u>Amount</u>
Arambula, Evangelina	\$265.00**
Gose, Marjorie	\$2,576.27
Harding, Shirley	\$303.22**
Isakov, Victor	\$55.00
Meyerson, Lesley	\$79.26
Schmeidler, Joe	\$400.00
Southwestern Bell	\$2,321.38

\*\*Settled for lesser amount than claimed.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

## PROP ACQUIS.

### DRAINAGE EASEMENT FOR THE PAWNEE, 119TH STREET WEST TO MAIZE ROAD IMPROVEMENT PROJECT. (DISTRICT IV)

Agenda Report No. 06-0738

On January 10, 2006, City Council approved a project to improve Pawnee Avenue from 119th Street West to Maize Road. The project will reconstruct Pawnee Avenue to four through lanes with a median for turn lanes. In Addition, a new storm water sewer will be constructed. The storm water will drain easterly to a point in Pawnee Prairie Park where an inlet will allow the water to drain into the Cowskin Creek.

To accommodate the storm sewer, a permanent drainage easement must be created through the northwesterly part of Pawnee Prairie Park. A storm water line will be buried within the easement. An outlet will be constructed to allow the storm water to feed into the Cowskin Creek. The easement extends to the opposite side of the Cowskin Creek to allow the installation of stone rip rap to protect the opposite bank. The affected tract is titled to the Board of Park Commissioners. The Park Board approved the easement on June 12, 2006.

There is no cost to the City for the easement.

The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

The Law Department has approved the easement as to form.

Motion--  
--carried

Mayans moved that the easement be approved and the necessary signatures authorized. Motion carried 7 to 0.



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## CLAIM

### SETTLEMENT OF CLAIM.

Agenda Report No. 06-0739

On January 21, 2005, claimant was a passenger in a motor vehicle involved in an accident with a city employee; physical injuries are claimed as a result.

After investigating the claim, evaluating the nature and extent of claimed injuries and damages, and considering the risks of trial, the City determined that a resolution of the matter was appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment of \$20,000.00 as full settlement of all claims of this claimant, arising out of the collision.

Funding for this settlement is from the City's Tort Liability Fund.

Safe and Secure Community.

The Law Department recommends acceptance of the offer of settlement.

Motion--

Mayans moved that the payment of \$20,000.000 be authorized as full settlement of all possible claims regarding this individual arising out of the accident, which is the subject of this claim. Motion carried 7 to 0.

--carried

## ORDINANCES

### SECOND READING ORDINANCES: (FIRST READ JULY 11, 2006)

- a) Amendment to Section 5.68.260 of the Code of the City of Wichita, Kansas, pertaining to Public Nudity.

ORDINANCE No. 47-079

An Ordinance amending Section 5.68.060 to include 5.68.260(b)(3) of the Code of the City of Wichita, Kansas, pertaining to exceptions to public nudity prohibitions, and repealing the original of said section, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) 151st Street West Improvement between Maple and ½ mile south of Maple. (District V)

ORDINANCE No. 47-071

An Ordinance declaring 151st Street West, between Maple and 1/2 mile south of Maple (472-84318) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Hillside Improvement, between Kellogg and Central. (Districts I and II)

ORDINANCE No. 47-072

An Ordinance amending Ordinance No. 45-919 of the City of Wichita, Kansas declaring Hillside, from Kellogg to Central (472-83862) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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- d) Central Improvement, between Oliver and Woodlawn. (Districts I and II)

## ORDINANCE No. 47-073

An Ordinance amending Ordinance No. 45-928 of the City of Wichita, Kansas declaring Central Avenue between Oliver and Woodlawn (472-83873) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) Central Improvement, between Woodlawn and Rock Road. (District II)

## ORDINANCE No. 47-074

An Ordinance amending Ordinance No. 45-927 of the City of Wichita, Kansas declaring Central Avenue between Woodlawn and Rock (472-83874) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- f) Pawnee Improvement, from Washington to Hydraulic. (District III)

## ORDINANCE No. 47-075

An Ordinance amending Ordinance No. 45-915 of the City of Wichita, Kansas declaring Pawnee, from Washington to Hydraulic (472-83858) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- g) DER2006-07-Amendment to the Comprehensive Plan.

## ORDINANCE No. 47-076

An Ordinance adopting the Priority Enhancement Areas for Wichita public Infrastructure Projects Map as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (DER2006-07)

- i) A06-16R - generally located northwest of 13th Street North and Greenwich Road. (District II)

## ORDINANCE No. 47-077

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (A06-16)

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## NEW BUSINESS

### **2007 BUDGET**

George Kolb

### **2007 ANNUAL OPERATING BUDGET AND 2006 BUDGET REVISIONS.**

City Manager reviewed the item.

Agenda Report 06-0740

The City Council has received the City Manager's Proposed 2007/2008 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.

The proposed 2007 annual operating budget is \$485,102,402 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$582,537,352. The inclusion of expendable trust funds, as required by law, is an additional \$59,752,780 for a total of \$642,290,132. The estimated mill levy for this budget would be 31.898 mills, no change from the levy for the current 2006 Adopted Budget.

The General Fund property tax levy is \$62,159,930 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$28,386,130 (including a delinquency allowance) and is estimated at 10.000 mills.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds is \$7,459,120, of which \$6,579,910 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming a 2% increase in assessed valuation. Assuming a mill levy rate of 5.950 mills and a delinquency factor of 2.5%, the new valuation projections would result in \$579,210 revenue net of delinquency in fiscal year 2007 (2006 taxes levied). Factoring revenue from prior year delinquencies (\$12,070) and motor vehicle tax revenue (\$22,410) results in a total of \$613,690.

The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 8th. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

In addition to action on the 2007 Budget, it is requested that action be taken to amend the 2006 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The Economic Development Fund increase of \$2,808,090 is due primarily to the \$987,500 funding for affordable air service, payments for prior year affordable airfare contracts that were shifted into 2006 due to timing differences (\$386,000) and increases in the budget for proposed incentives, to provide flexibility for opportunity uses of these funds.
2. The Special Alcohol Programs Fund increase of \$168,430 is due to increased revenues (from state transfers of liquor tax funds), which will allow additional drug and alcohol treatments programming to be funded. Expenditures from this fund are limited to this purpose by statute.
3. The Ice Rink Management Fund increase of \$160,220, based on projected increases in program activity at the Ice Rink. All increased expenditures are offset by increased revenue.
4. The Water Utility Fund increase of \$2,188,490 is due to accelerated replacement of the utility billing system (which also increases the charge to the Sewer Utility), higher debt service costs due to a larger-than-anticipated bond sale, and a larger inventory account. The inventory account will be significantly reduced at year-end as inventoried parts are charged to appropriate project accounts.

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5. The Sewer Utility Fund increase of \$353,530 reflects the cumulative effect of several smaller increases, including higher utility costs, additional pump replacement parts, backflow preventers for areas of repeated sewer backups, and increased charges from the Water Utility.

Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

The adoption of the annual budget provides the funding sources for services provided in each of the five goal areas.

As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2007 Budget must be adopted by the City Council on August 8, and will be filed with the County Clerk by the statutory date of August 25.

- |                        |   |
|------------------------|---|
| Council Member Skelton | Council Member Skelton asked if the Council were to make changes in the budget, how would staff be able to respond when we are this close to the deadline of August 25 <sup>th</sup> .  |
| George Kolb            | City Manager explained that they would be able to provide the legal documentation to submit whatever the Council approves.  |
| Council Member Brewer  | Council Member Brewer asked if the budget were not completed by the statutory dates would there be a penalty.   |
| Gary Rebenstorf        | Director of Law explained that he does not believe that there is any kind of a monetary penalty but that it would require us to go through a whole new process to legally establish the budget and if we do not submit it on time, then we cannot spend any money from the new budget until we go through the process to adopt the budget.  |
| George Kolb            | City Manager stated that August 8 <sup>th</sup> is based on the Council's regularly scheduled meeting and that the law requires that you adopt the budget 10 days prior to August 25 <sup>th</sup> , so in affect, August 14 <sup>th</sup> is the date to actually adopt the budget and if it was not done on August 8 <sup>th</sup> , then it would require a special meeting.   |
| Mayor Mayans           | Mayor Mayans stated asked if we are projecting revenues at 3% then why are we spending at 4%.   |
| George Kolb            | City Manager explained that he does not think that overall they are projecting 3% and talked about a 4% increase in the assessed value and the estimate was more like 6.7% increase in the assessed value. Stated that the sales tax was approximately 3% but when you blend them all together, he does not believe it is a 3% increase in revenues. Stated that the projection is actually 4% and they projected 4% in 2006 and in 2007 in revenues.   |
| Mayor Mayans           | Mayor Mayans stated that regarding the increase in pay for firefighters management, there has been a lot of discussion as to whether or not to have 24 new firefighters and whether they are tied to specific grants that we may or may not receive but then we are going to provide a substantial pay increases to the Battalion Chiefs, etc. Asked if it is proper policy to be making the Indian chiefs fatter while the rank and file people receive less money or not even get the positions. Why are we giving fire management an increase in pay and the rank and file, men and women that are in the line of duty day in and day out are in limbo as to when whether or not we are going to add them. Asked if we can shift that spending for those people who are at the top of the ranks to more of the rank and file people. |
| George Kolb            | City Manager explained that this budget is his recommendation so that the Council can debate that and decide what it wants it to be. Stated that he does not consider it to be exorbitant and actually considers it to be below the trend for the last couple of years for the management and exempt employees. Stated that the other positions such as firefighters are subject to a collective bargaining agreement and are subject to negotiations between the parties. Stated that he feels that this point in time it would be inappropriate to prematurely say exactly what the Council wants to provide in paying benefits for union employees.  |

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- Mayor Mayans Mayor Mayans asked if there is any money in the budget for the purchasing of cameras in police cars.
- George Kolb City Manager stated no.
- Mayor Mayans Mayor Mayans stated that regarding water rates, which affect everyone in our City and are charged to those who have adequate incomes and those who do not have any money at all. Stated that when the rates are increased, which have been since he has been in office and does not know if the Council as a public policy has asked for that. Stated it is already in the budget so we will have to vote to take that out or leave in and that this is the Manager's budget and not really the Council's budget.
- Council Member Skelton Council Member Skelton stated that last year there were budget presentations made by all of the department heads, which really helped him understand the issues and understand specific line items within each department's budget. Stated that there was even a budget presentation from WSU. Stated that he thought that they would have the same thing for this year but did not see anything on their schedule for departmental budget presentations. Stated that regarding the Century II management, he would like to have a workshop presentation on this subject. Stated that he hopes that we will maximize the number of firefighters that we do have and has concerns him when we rely so heavily on the SAFER Grant, which we probably will not get. Stated that there is no guarantee in the future that the Council will reprioritize the budget and it is his opinion that it would be better if we put that budget money in there outright and reprioritize the budget now and if we were to get the SAFER Grant, we could make budget transfers as necessary.
- George Kolb City Manager stated that any subject that the Council would like to talk about within any of the goal areas can be talked about during a workshop, individually, or however the Council would like to proceed. Stated that there is no plan change in terms of Century II or out-sourcing management or whether we keep it in house and that they will continue to move along until they have a presentation to Council and Council has made a decision. Stated that what is budgeted are options for the Council to follow. Stated regarding the terms of the firefighters, he agrees that there is a risk with the SAFER Grant and they have put in the budget provisions over two to four years to bring on those 24 firefighters, however, if the SAFER Grant becomes a reality, they will be able to accelerate the process.
- Council Member Martz Council Member Martz stated that he has concerns regarding the increases in green fees and needs justification to do any kind of rate increase and asked that this be put on the list to be discussed at a workshop.
- (Council Member Skelton momentarily absent)
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Rickie Coleman Sunflower Community Action Group stated that the City Manager stated today that cameras for the police cars would not be in the budget, which they said that they would help get federal funding from, which Tiahart's office has promised for next year but if we do not do the pilot program it will not happen. Stated that looking at the internet and the way the chart is made up, the citizens are the first ones who have a say in Wichita but of all the meetings that they have attended it does not seem like they have any say. Stated that this is a safety issue and have people come to them everyday that are being stopped by police and harassed, which are deacons and ministers and very high position people that are not going to cause any problems but the problem is, is that they are black. Stated that they are being stopped for nothing and drive away with no tickets but held for 45 minutes being questioned and this is not right and cameras in the police cars might stop this. Stated that they have submitted thousands of signatures from citizens showing their support for this. Asked the Council to please remember safety first.

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Motion--

Mayans moved that the public hearing on the proposed 2007 Budget (including the Tax Increment Financing Districts and the Self-Supporting Municipal Improvement District downtown) and the revised 2006 Budget for August 8, 2006 be set; publication of the formal public hearing notice authorized and first reading of the general budget, TIF district, and SSMID ordinances be approved and set a maximum amount of taxes levied (\$90,546,060) based on an anticipated mill levy of 31.898 mills (no change from the current mill levy) and an estimated assessed valuation of \$2,838 billion.

--carried

carried 7 to 0.

## ORDINANCE

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2007, and ending December 31, 2007, and relating thereto, and concurrently approving certain amendments to the 2006 adopted budget, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the East Bank Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the 21st and Grove Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Central and Hillside Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Old Town Cinema Redevelopment District City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial corridor redevelopment district, City of Wichita, Kansas, for the fiscal year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

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## ORDINANCE

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2007, and ending December 31, 2007, introduced and under the rules laid over.

### WATER SALES

### NON-POTABLE WATER SALES AGREEMENT-ABENGOA BIOENERGY OF KANSAS.

Dave Warren

Director of Water and Sewer reviewed the item.

(Council Member Martz momentarily absent)

Agenda Report No. 06-0741

Staff was approached by Abengoa Bioenergy of Kansas (hereinafter Abengoa) concerning the possibility of providing water to a proposed ethanol plant in the vicinity of Colwich. To operate the plant, Abengoa will require a reliable water source capable of supplying approximately 1.7 million gallons of water daily to the facility.

Discussions between the City and Abengoa representatives regarding requirements, in terms of quantity and quality, determined that the best source would be the raw water transmission line from Cheney Reservoir. Following this determination, Staff and Abengoa officials met numerous times to draft the Agreement for service.

Water from the Cheney non-potable water supply line to the treatment plant is the best and most economical option for supplying water to the Abengoa facility. A sixteen-inch pipeline is proposed from the raw water transmission line to the facility. This would contain 4.8 miles of pipeline and metering facilities supplying non-potable water.

Primary terms of the proposed Agreement are:

- A rate of \$.65 for each thousand gallons of water supplied to the facility with adjustments to this original base not to exceed an average of 5 percent over the term of the Agreement.
- A schedule of projected water usage with a take-or-pay requirement of 40 percent annually (Abengoa would be required to pay for at least 40 percent of the scheduled water usage on an annual basis, whether used or not.)
- A contribution of capital up front by Abengoa equal to one-half of the total required to build the proposed pipeline from the raw water supply line to the plant, provided this shall not exceed \$1.5 million.
- A twenty-year term for the Agreement with a renewal option for an additional twenty years.

The projected cost of the sixteen-inch pipeline and all appurtenances is estimated at \$3 million. Abengoa will contribute one-half of the capital to construct the facilities, up to a maximum of \$1.5 million. Wichita will pay for and bond the difference between the total project cost and the capital contribution from Abengoa.

The 40 percent take-or-pay provision assures that the principle and interest on the revenue bonds issued to fund the project will be paid from revenues from the sale of water to Abengoa. The rate charged to Abengoa includes a 7.5 percent rate of return and an administrative fee. A rate of \$.65 per thousand gallons was developed as a cost-based rate by Raftelis Financial Consultants Inc.

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The construction of the ethanol facility will result in improvements in the area economy, thus promoting achievement of the following goal: Provide economic vitality and affordable living. \$176,000,000 will be invested in the plant and it is projected that the metropolitan area will see benefits from construction of the facility in the following areas:

- 55 direct permanent jobs
- 155 indirect permanent jobs
- 500 construction jobs

The Agreement has been reviewed and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the Non-Potable Water Sales Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

## **BIKE PATH**

### **BIKE PATH ALONG THE WEST BANK OF THE ARKANSAS RIVER, BETWEEN CENTRAL AND 13TH STREET. (DISTRICT VI)**

Mayor Mayans

Mayor Mayans requested that this item be pulled from the agenda.

## **PROS PLAN**

### **PARK, RECREATION AND OPEN SPACE (PROS) PLAN.**

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 06-0736

The Park and Recreation Department in the past ten years had two plans that were completed. In 1996, a Park and Open Space Master Plan was completed and published. This plan represented a vision for a countywide park, open space and pathway system spanning the next 15 years to the Year 2010. The purpose of the 1996 plan was to update the 1978 Wichita Sedgwick County Park and Open Space Plan. The report's intent was to identify a strategic method for acquiring and developing public parkland in an economical and efficient manner. The Land Use/Research Division of the Metropolitan Area Planning Department and the Wichita Park and Recreation Department prepared the 1996 Park and Open Space Master Plan.

In 1999, another Parks and Recreation Facilities study was completed and the principle purpose for the study was to inventory and analyze the conditions of the major parks, evaluate the current recreation facilities, and other park amenities that were being offered at that time and to analyze those resources and compare them with citizen's priorities.

The Park Department staff and the Park Board are working towards developing a new park open space plan that will assist staff, the Park Board, and City Council in developing a long-term park and open space plan that reflects our citizen's priorities, goals, and commitment to our park system. The project will also involve fundraising activities for a lecture/speaker series, charettes, public input and other project expenditures not included in the RFP for this project. The City of Wichita will hire a consultant to work with City staff on a long-term plan to accomplish this project.

The Capital Improvement Plan has \$250,000 that has been specifically identified for the plan.

Because the proposed plan will be a citywide plan for guiding the course of future development of recreational facilities, rather than an identifiable "public improvement" to any specific site, it is most appropriate to invoke home rule authority, by ordinance, to initiate this project. The Law Department has reviewed the initiating ordinance and approved it as to form.



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- Council Member Skelton Council Member Skelton stated that there has been a lot of activity in his district regarding parks and have used CDBG funds to make some improvements and with all the successes that he can point to in his district, why do we really need this consultant and what would be wrong with the process of staff meeting with citizens to get their input.
- John Schlegel Planning Director stated that the process that staff and the Park Board has been working on has been a very intensive public participation process and would include doing surveys, inventory work and a lot of public meetings with citizens to gain their input about what they are really interested in, in terms of parks, recreation and open space. Stated that all of these things take a lot of time and they feel that there is a need to hire some outside help to get this work done. Stated that they would like to make sure that the process reaches out to as many people as possible and just does not draw out those that are advocates for certain types of recreation facilities and that they are reaching a real good solid cross section of the citizens and getting them involved in determining what the future of parks, recreation and open space should be in the City.
- Council Member Skelton Council Member Skelton stated that under the financial consideration there is a budgeted amount for \$250,000.00 and asked what the City will get for that money.
- John Schlegel Planning Director explained that they will get a very intensive participation by the public and a master plan that should be based on the input that they receive from the citizens and at the end of this process they will have a master plan that truly reflects what the citizens of Wichita want in terms of parks, recreation and open space.
- Council Member Gray Council Member Gray stated that he initiated this earlier in the year and his motivating factor at that time was the land that was purchased near Greenwich for a park and where the City paid nearly a million dollars for that property, whereas if there were a plan that itemized where we need to start putting parks and forecasting the potential growth and working with developers in town, the City could buy those pieces of property when they are \$5,000 and \$10,000 an acre. Stated that if the City is going to have to spend a million dollars every time we buy a park, then that is not being resourceful and making good use of the dollar but if we can anticipate the growth as we do with our planning department with our CIP, then hopefully we can save money and use that to improve all of the parks that we have in the inner part of town instead of using it just for land acquisition. Stated that he feels that this is a good use of that dollar.
- Council Member Skelton Council Member Skelton stated that planning for the future is a key aspect when it comes to meeting the future needs for this community. Stated that he is still struggling with the fact that why staff cannot plan for the future. Stated that we are in a position to receive public input and it is hard for him to justify the expense of \$250,000.00. Stated if a new position was created it would be less than that amount of money and have a staff person dedicated to this and that would be their job. Asked why the Park Director could not do this.
- Council Member Fearey Council Member Fearey stated that the we could hire someone but when the plan is done then do we just let that person go and that this what a consultant does, they are hired for a short time to do the planning. Stated that she wants someone who can come in and look at the big picture, look at our growth area and all the input from the public from each district. Stated that the Park Director does not have time to do everything that the Council asks him to do and also do this.
- Council Member Brewer Council Member Brewer stated that getting someone to look at the overall picture is a good investment and that it is very important to get someone who specializes in this type of work.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

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- Marylou Rivers Ms. Rivers stated that she resides at 6027 North Meridian and has served on the Greenway Alliance Park Foundation for 15 years and has sat in on many of the meetings for planning for advanced park and recreation and open space areas and hopes that the City Council goes with a consultant because it is very important to do the advance planning and that these people can specialize in those kinds of things and do the footwork of what other towns and vicinities have planned and gives the Council a better idea of what is going on across the country. Stated that she does not think that the Council will be wasting their money.
- Janet Miller Park Board President stated that their planning process for this plan began officially in November and they had money approved in the CIP. Stated that there are not enough staff hours to mow the City's parks but every 21 to 30 days and right now as a Park Board President, she is spending 15-20 hours a week on preparing for this plan. Stated that there is a lot of staff time already being spent on this and staff will be doing a lot of the inventorying that is going to be required, the information gathering and supplying all of that to the consultant. Stated that the consultant will bring in the extra time and expertise to look at the broader picture at doing a number of things, which include figuring out how to get out ahead of growth, to acquire land, to prioritize projects across the City and to look at what other communities are doing successfully both with capital improvements and looking at alternative funding mechanisms and that they would bring back this information to the Council for their consideration.
- Motion-- Gray moved that the initiation of the project be authorized; the initiating ordinance placed on first  
--carried reading and the necessary signatures authorized. Motion carried 6 to 1; (Skelton, no).

## ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of its general obligation bonds to pay the costs of Preparation of a Park, Recreation and Open Space (PROS) Plan, introduced and under the rules laid over.

## BATTERY LEO

### **AMENDMENTS TO SECTIONS 5.10.010 AND 5.10.035 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ASSAULT AND BATTERY OF A LAW ENFORCEMENT OFFICER.**

- Gary Rebenstorf Director of Law reviewed the item.
- Agenda Report No. 06-0743
- Currently, the City does not have code provisions relating to the crime of battery of a law enforcement officer. The amendments create a new crime to address specific situations where police officers are battered. The amendments additionally amend the language of the city's assault ordinance to bring it into compliance with the language contained in the state statute.
- The amendments will allow the prosecution of specific criminal charges for battery of a law enforcement officer. The amendments must be passed to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.
- Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of the city code for these offenses.
- The City of Wichita Law Department drafted the amended ordinances and approved them as to form.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Mayans moved that the ordinances be placed on first reading and the necessary signatures authorized  
--carried Motion carried 7 to 0.

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## ORDINANCE

An Ordinance amending Section 5.10.010 of the Code of the City of Wichita, Kansas, pertaining to the battery of a law enforcement officer and repealing the original of Section 5.01.035 pertaining to battery, introduced and under the rules laid over.

### DISTURB PEACE

#### **REPEAL SECTION 5.24.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO DISTURBING THE PEACE.**

Gary Rebenstorf

Director of Law reviewed the item.

(Council Member Schlapp momentarily absent)

Agenda Report No. 06-0744

Several years ago, the Kansas Court of Appeals declared Section 5.24.030 of the city code unconstitutional. Law enforcement officers have not filed charges under this code section since the opinion was issued by the court of appeals.

The amendment repeals the city's ordinance in compliance with the Court of Appeals decision.

Provide a Safe and Secure Community.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0, (Schlapp absent).

## ORDINANCE

An Ordinance repealing Section 5.24.030 of the Code of the City of Wichita pertaining to disturbing the peace, introduced and under the rules laid over.

Mayor Mayans

Mayor Mayans requested that items 21–28 be considered together since they are changes in the ordinances to comply with the current state law and recent legislation changes.

(Item 21)

**IMPERSON. LEO**

#### **AMENDMENTS TO SECTION 5.40.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO IMPERSONATING A LAW ENFORCEMENT OFFICER.**

Agenda Report No. 06-0745

The Kansas Legislature increased the penalty for the crime of impersonating a law enforcement officer to a fine of not more than \$1,000 and/or imprisonment of one year in the county jail.

The amendments to Section 5.40.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized.  
Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 5.40.010 of the Code of the City of Wichita, Kansas, pertaining to impersonating an officer and repealing the original of said section, introduced and under the rules laid over.

(Item 22)  
**THEFT**

### **AMENDMENTS TO SECTION 5.42.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THEFT OF LOST PROPERTY.**

Agenda Report No. 06-0746

The Kansas Legislature increased the penalty for the crime of theft of lost property to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

The amendments to Section 5.42.060 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized.  
Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 5.42.060 of the Code of the City of Wichita, Kansas, pertaining to theft of lost or mislaid property and repealing the originals of said sections introduced and under the rules laid over.

(Item 23)  
**ESCAPE CUSTODY**

### **AMENDMENTS TO SECTION 5.64.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO ESCAPING FROM CUSTODY.**

Agenda Report No. 06-0747

The Kansas Legislature increased the penalty for the crime of impersonating a law enforcement officer to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

The amendments to Section 5.64.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

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The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An ordinance amending Sections 5.64.010 of the Code of the City of Wichita, Kansas, pertaining to prisoners – escape and repealing the original of said section, introduced and under the rules laid over.

(Item 24)

### TRESPASSING

#### **AMENDMENTS TO SECTION 5.66.030 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO TRESPASSING ON CITY PROPERTY.**

Agenda Report No. 06-0748

The Kansas Legislature increased the penalty for the crime of trespassing to a fine of not more than \$1,000 and/or imprisonment of six months in the county jail.

The amendments to Section 5.66.030 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be approved and the necessary signatures authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 5.66.030 of the Code of the City of Wichita, Kansas, pertaining to trespassing upon city property, and repealing the original of said section, introduced and under the rules laid over.

(Item 25)

### SEXUAL BATTERY

#### **AMENDMENTS TO SECTION 5.68.140, 5.68.150, 5.68.200 AND 5.68.220 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO LEWD AND LASCIVIOUS BEHAVIOR, PROMOTING OBSCENITY, SODOMY AND SEXUAL BATTERY.**

Agenda Report No. 06-0749

The Kansas Legislature increased the penalty for the crimes of lewd and lascivious behavior and sodomy to a fine of not more than \$1,000 and/or imprisonment of one year in the county jail. The criminal penalties for sexual battery were raised to a fine of \$2,500 and/or imprisonment of up to one year in the county jail.

Amendments were made to the Kansas Statutes relating to the promotion of obscenity to prohibit the promotion of obscene devices, as well as obscene materials.

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Additional amendments were made to the state statutes relating to sexual battery that sexual battery of a person less than sixteen years of age is considered to be a felony.

The amendments to Sections 5.68.140, 5.68.150, 5.68.200 and 5.68.220 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

The City of Wichita Law Department drafted the amended ordinances and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 5.68.140, 5.68.200 and 5.68.220 of the Code of the City of Wichita, Kansas, pertaining to Lewd and lascivious behavior, sodomy and sexual battery; and repealing the originals of said section, introduced and under the rules laid over.

(Item 26)

### LEGAL PROCESS

#### **AMENDMENTS TO SECTION 5.72.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO OBSTRUCTION OF LEGAL PROCESS.**

Agenda Report No. 06-0750

The Kansas Legislature increased the penalty for the crime of obstruction of legal process to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

The amendments to Section 5.72.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--  
--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized Motion carried 7 to 0.

## ORDINANCE

An Ordinance amending Section 5.72.010 of the Code of the City of Wichita, Kansas, pertaining to obstructing legal process or official duty and repealing the original of said section., introduced and under the rules laid over.

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(Item 27)

TELEPHONE SERV

## **AMENDMENTS TO SECTION 5.82.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO INTERFERE WITH TELEPHONE SERVICE.**

Agenda Report # 06-0751

The Kansas Legislature increased the penalty for the crime of interference with a telephone to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

The amendments to Section 5.82.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

### ORDINANCE

An Ordinance amending Section 5.82.010 of the Code of the City of Wichita, Kansas, pertaining to telephone service--interfering with and repealing the original of said section., introduced and under the rules laid over.

(Item 28)

UNLAW RESTRAINT

## **AMENDMENTS TO SECTION 5.83.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO UNLAWFUL RESTRAINT.**

Agenda Report # 06-0752

The Kansas Legislature increased the penalty for the crime of unlawful restraint to a fine of not more than \$2,500 and/or imprisonment of one year in the county jail.

The amendments to Section 5.83.010 must be passed, in order to bring the city's ordinances into compliance with state law. Municipal criminal ordinances cannot be less restrictive than state criminal statutes.

Provide a Safe and Secure Community. This amendment will allow the Police Department and Law Department to continue to charge and prosecute violations of these crimes.

The City of Wichita Law Department drafted the amended ordinance and approved it as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

--carried

Mayans moved that the ordinance be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

### ORDINANCE

An Ordinance amending Section 5.83.010 of the Code of the City of Wichita, Kansas, pertaining to unlawful restraint and repealing the original of said section, introduced and under the rules laid over.

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## PLANNING AGENDA

Motion--  
--carried

Mayans moved that consent item 30 be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

(Item 29)  
CUP2006-24

**CUP2006-24, ASSOCIATED WITH ZON2006-25-CREATE DP-299 NORTHGATE COMMERCIAL PARK COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF MERIDIAN AND 53RD STREET NORTH. (DISTRICT VI)**

John Schlegel

Planning Director reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 06-0753

MAPC Recommendations: Approve, subject to conditions (10-1).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB Recommendations: Deny (5-3-1).

The applicant proposes to create a commercial Community Unit Plan (CUP) containing approximately 79.60 net acres located north and west of the intersection of Meridian and 53rd Street North. As part of the application, a zone change from "SF-20" Single-family Residential to "LC" Limited Commercial on approximately 77.4 acres is also requested. A 2.2-acre tract located nearest the intersection is already zoned "LC" and was platted in 1983 as the Maize State Bank Addition.

The site includes 27 acres that was previously denied a similar application by the City Council in 2005. The "Unified Zoning Code" prohibits the re-filing of a similar application within one year unless there has been some change in the code, change in the application area or if the application is significantly different from the original request. The Metropolitan Area Planning Commission (MAPC) reviewed the current application, and determined that this request is significantly different from the previous request.

The proposed CUP would allow most uses permitted by right in the "LC" district. Parcels 1, 2 and 3 contain 25.88 acres. Proposed prohibited uses for Parcels 1, 2 and 3 are: night club in the city, sexually oriented business, correctional placement residences, safety service, pawn shop, agricultural sales and service, commercial wireless communication facility, theatre and tavern and drinking establishment. Parcel 1 is 23.04 acres in size while Parcels 2 and 3 are 1.42 acres apiece. These three parcels would allow a total of 338,151 square feet of maximum gross floor area. Specific signage is proposed for these three parcels: Parcel 1 - Three ground signs are permitted, two of which are monument style, up to 30 feet in height and up to 148.33 square feet each. A TLE sign is also permitted, not exceeding 20 feet in height and 32 square feet in size. Building signage of up to 666.24 square feet is proposed. Parcel 2 and 3 signage is not to exceed 20 feet in height and 150 square feet in area, subject to the City's sign code. All ground signage is to be spaced 150 feet apart. Three access points from Meridian and one from 53rd Street are proposed to Parcel 1. Parcels 2 and 3 would each have one access point from 53rd Street.

Proposed prohibited uses for Parcels 4-15 include: adult entertainment establishments, The applicant proposes to create a commercial Community Unit Plan (CUP) containing approximately 79.60 net acres located north and west of the intersection of Meridian and 53rd Street North. As part of the application, a zone change from "SF-20" Single-family Residential to "LC" Limited Commercial on approximately 77.4 acres is also requested. A 2.2-acre tract located nearest the intersection is already zoned "LC" and was platted in 1983 as the Maize State Bank Addition.



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A neighborhood meeting was held at the Law Enforcement Training Center. Over 300 people attended. The applicants provided an overview of their proposal, and citizens were given an opportunity to ask questions and make comments. Comments supporting and opposing the request were made. In general, those in opposition questioned the scale of the project as being too large; the impact traffic would have on existing residential areas; big box uses would drive out locally owned businesses and concern regarding drainage and groundwater pollution. Comments in favor of the project noted that the area did not have any nearby shopping areas that offered a variety of uses like the one proposed, and it would provide jobs.

At the District VI Advisory Board meeting held June 5, 2006, the board voted (5-3-1) to deny the request based upon traffic and environmental concerns. Five citizens spoke in opposition. One of the issues affecting how one DAB member voted dealt with traffic improvements, particularly the number of access points. The applicants agreed to meet with the DAB member and discuss his traffic concerns.

At the MAPC meeting held June 15, 2006, they voted (10-1) to approve the request subject to staff's findings and recommendations. Three citizens were present to speak on the proposal. Two citizens spoke in opposition citing drainage, scale of the project, traffic and lighting concerns. During the meeting the applicant offered to install raised medial(s) in the middle of 53rd Street instead of having the ones that can be driven over, and when traffic is warranted, R & R Reality will pay for a traffic signal at Keywest and Meridian. These proposals were aimed at addressing the DAB member's traffic concerns. The MAPC recommendation did not include these requirements. If it is the Council's desire to approve this request, and to include these two requirements as one of the conditions of approval, the Council will need to add them to the conditions of approval.

The department has not received any formal protest letters.

The MAPC recommendation is that the application be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2006-25) to LC Limited Commercial subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-299), subject to the following conditions:
  - a. Guarantee signalization at the 54th Street and Meridian intersection.
  - b. Guarantee a southbound right-turn lane and a fifth lane on Meridian from 54th to 53rd to allow left-turns.
  - c. Guarantee the relocation of the existing signal to accommodate street improvements at the 53rd and Meridian intersection.
  - d. Dedicate additional right-of-way along 53rd Street sufficient to meet the 60-foot half-street standard.
  - e. Guarantee future signalization at major openings on 53rd Street when warrants are met.
  - f. Guarantee a fifth lane along 53rd Street from driveway opening number three east to Meridian.
  - g. Guarantee dual left-turn lanes on the west and south legs of the intersection of 53rd and Meridian, and provide separate right-turn lanes on all approaches.
  - h. Provide cross lot circulation between all abutting parcels except Parcels 1, 13 and 14, and connect individual parcels to internal circulation drives.
  - i. The site shall be developed in substantial conformance to the approved community unit plan's site plan, general provisions and individual parcel standards.
  - j. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  - k. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.

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- l. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds. Failure to complete the plat within one year after approval by the governing body will result in the case being denied and closed, unless a platting extension has been granted.
- m. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-299) includes special conditions for development on this property.
- n. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.
- o. Delete reference to "group homes" in general provisions for lots 4-15, item 18, and add the word "plant" after "asphalt/concrete". On item 13 A. the reference to "south" should be "north."

Promote Economic Vitality and Affordable Living.

The ordinance has been reviewed and approved as to form by the Law Department.

Council Member Fearey Council Member Fearey stated that she does not feel that this should be approved and thinks that there are many issues and highlighted some of them below:

- In staff report it talks about the functional land use guide of the Comprehensive Plan and says that urban development mix is seen as primarily being a mixed of urban residential uses but with some other local commercial and institutional uses. Areas in close proximity to the future northwest bypass, and she thinks that there are some Council Members who do not think that will every happen. Read that there is a possibility that future uses may include regional, commercial and employment industry center uses, which could be viewed as one of those areas since it is at a cross roads.
- The recommendation says that this request exceeds the expectation of the intensity of development on the May 2005 amendments to the Comprehensive Plan.
- It also says that the Arkansas River drainage will influence the extent of additional development and that the drainage issue has not all been resolved.
- It says that the property could be rezoned to a lesser extent and still provides significant economic possibilities.
- Approval of the request will introduce the likelihood of commercial use on a scale not initially contemplated, which will generate significant increases in traffic and demand on sewer and water services.

Stated that what that brings up to her are some issues that the City is putting a huge commercial development up here and we are going to have to then do more street repair. Stated that she gets calls all the time regarding how bad 53<sup>rd</sup> Street is because of the heavy traffic going along there and the same with 61<sup>st</sup> Street and thinks that this is going to make it worst. Stated that one of the people who spoke in favor of this, addressed the issue of the streets coming out of the Moorings and Harbor Isle getting icy and said that the City is not going out there and doing the sanding and salting during ice and now we are proposing to add more along those same lines of maintenance. Stated that she is extremely concerned with everything that we are doing along 21<sup>st</sup> Street. Stated that we are trying to redevelop an area and trying to put more into that area and 21<sup>st</sup> Street and Amidon has long been a major cross arterial roadway and right now there is a corner there that is basically vacant, yet we are looking further out. Stated that there is the entire Broadway and 37<sup>th</sup> Street area that is empty now and nothing is being proposed to be there, yet we take prime farmland that drains right into our river and say it is okay to cover it with cement. Stated that brings up so many red flags for her and thinks that the zoning in this area has been incremental and thinks that 80 acres is way too much and thinks that there is going to be a detrimental impact on other properties in the area and thinks that we could have less intense zoning and still provide opportunities for people and does not think that this fits into the comp plan and thinks that it puts an additional burden on our City services like police, fire, street maintenance, etc. Asked the Council to defer this item for two weeks so that she can meet with the developers again and that she has received many e-mails and more information and would like to talk to them again regarding the traffic issue and to have time to come to a few more agreements to help those people who are against this feel a little better about it coming into their community and destroying what they see is their life style there.

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Motion-- Fearey moved to defer until August 1, 2006.

Council Member Gray Council Member Gray stated that he feels this issue is more about a philosophical difference between people in the community as far as wanting the City to grow and would like the growth to remain internal and that there will always be issues with redevelopment in the older parts of town. Stated that the City cannot let that detriment the growth and expansion of this community as it tries to facilitate its own growth and the desire of those in the community that do wish to move into other parts of the area and the commercial amenities that are necessary to provide for the people that chose to live other than in the internal portion of the City and with that he disagrees with the request for a two-week deferral. Stated that he does not believe that there is anything more that the Council could ask this developer and his partners to do to make this facility any less intrusive than it is. Stated that he feels that they have gone above and beyond on trying to make this adaptable to the community in this area as much as possible. Stated that he feels those two weeks will not change people's mind.

Council Member Skelton Council Member Skelton asked John Schlegel to address the concerns mentioned by Council Member Fearey regarding the Northwest Bypass and the demand for water and sewer.

John Schlegel Planning Director explained that the application site is well north of K-96 and well east of the Northwest Bypass and the result of the approval of this request is that they would be helping to pay for the extension of sewer and water lines up into this part of the City, which has previously been underserved.

--carried Motion carried 4 to 3, (Nays-Brewer, Gray and Mayans).

## **SUB2006-48** **SUB2006-48-PLAT OF SLATE CREEK ADDITION, LOCATED ON THE NORTHWEST CORNER OF 21ST STREET NORTH AND HOOVER ROAD. (DISTRICT III)**

Agenda Report No. 06-0754

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

This unplatted site, consisting of one lot on 2.49 acres, is located within Wichita's city limits. This site is zoned LC, Limited Commercial District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer and water improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

Ensure Efficient Infrastructure.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion-- Mayans moved that the document and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 7 to 0.  
--carried

### RESOLUTION NO. 06-399

Resolution of findings of advisability and resolution authorizing construction of advisability and resolution authorizing construction of water distribution system number 448-90207 (north of 21<sup>st</sup>, west of Hoover) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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## RESOLUTION NO. 06-400

Resolution of findings of advisability and resolution authorizing construction of lateral 4, main 20, southwest interceptor sewer (north of 21<sup>st</sup>, west of Hoover) 468-84207 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### AIRPORT AGENDA

Motion-- Mayans moved that Consent items 33 and 34 be approved in accordance with the recommended action  
--carried shown thereon.

(Item 31)

### **TERMINAL AREA**

### **TERMINAL AREA REDEVELOPMENT PROGRAM, WICHITA MID-CONTINENT AIRPORT.**

Victor White

Director of Airports reviewed the item.

(Council Member Martz momentarily absent)

(Mayor Mayans momentarily absent, Vice-Mayor Gray in the chair)

#### Agenda Report No 06-0755

On August 13, 2002 the Wichita Airport Authority approved a study of the terminal area at Mid-Continent Airport. That study, conducted by consulting firm HNTB, was presented to the Wichita Airport Authority on October 12, 2004 and it recommended the construction of a new passenger terminal building. The Wichita Airport Authority voted 7-0 to support the study recommendations. This contract initiates the architectural design and engineering services to prepare plans and specifications for the new terminal.

The Terminal Area Redevelopment Program is identified in the Airport Capital Improvement Program (CIP). Consistent with Federal Aviation Administration (FAA) regulations, a design contract that includes a scope of services for design, bid and construction administration has been identified; fees have been negotiated and a contract developed. As per the FAA regulations, an independent cost assessment was conducted to confirm that the negotiated fees are reasonable. DMJM Aviation, Program Manager for the Terminal Area Redevelopment Program, assisted the Airport in the negotiation of this design contract.

The HNTB contract amount of \$12,660,000 will be funded initially with General Obligation Notes paid for with airport revenue. Once the design is complete and the FAA reviews the entire project for the eligibility percentages, a grant application will be submitted to retroactively fund the eligible portion of this contract. Passenger Facility Charges will also be an ultimate funding source. The current project budget of \$4,804,572 was established last year by the Airport Authority to cover preliminary contracts for program management, environmental assessments, control tower shadow studies, and independent cost estimating services. Therefore, an additional \$12,660,000 is requested at this time to proceed with the design phase of the project under the HNTB contract. This will create a total capital budget of \$17,464,572 for this project to date.

The Airport's contribution to the economic vitality of Wichita is promoted through the Terminal Area Redevelopment Program.

The Law Department has approved the contract and the Authorizing Resolution as to legal form. The FAA is reviewing the contract to assure Federal procurement and contract conditions have been met.

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(Council Member Schlapp momentarily absent)

Mayor Mayans      Mayor Mayans stated that he approves the concept of the terminal and thinks that it is economic development and feels that it is imperative that as we move forward but that they move forward with caution. Stated that the price has been a moving target, which gives him reason for concern. Stated that the only thing that they know for sure is that we are going to spend 16 million dollars to find out how much money we are going spend, which is an interesting concept. Stated that the larger number continues to move and he is concerned about the funding of this airport and has asked several times about the grants as to how many millions of the grants are going to conceivably be used for paying for the airport. Stated that if the grants are not received, which is very possible, where do we get the money.

Victor White      Director of Airports stated that it is still early and until we get the design a little bit more refined, you do not know what portions of the project are actually eligible under federal law. Stated that they think that what they can get is what is called entitlement funds and under the current federal law that funds airport improvement programs in the aviation trust fund, they get around 3.6 to 3.7 million dollars a year. Stated that if you plug that over a ten-year period it is around 36 or 37 million dollars that they are entitled to under the law. Stated that there are discretionary funds, which are the more risky component of any federal grant program and a number of other projects that are going on right now in the country, literally requires the assistance of your congressional delegation to make sure that you are getting the maximum amount of discretionary FAA funds available. Stated that it could possibly be a mix of 50/50 on that but they are thinking that right now that the percentage of federal grants that go towards this project is somewhere between 20 and 30%.

Mayor Mayans      Mayor Mayans stated that if we do not get the money then where are we going to get it.

Victor White      Director of Airports stated that we would have to scale the project down and under FAA regulations, the way that you get a grant is that you have to have construction bids in hand before you can actually apply for and receive that grant and obligate yourself.

Mayor Mayans      Mayor Mayans stated that in 2005 the AIP Grants for this area were 31.8 million dollars and there were 50 grants, so each of those grants you could presume would be somewhere around a million dollars or less, since there are 50 grants and only 31.8 million dollars. Stated that it was stated that you feel it is going to be 20% of the budget, and then even if we were to receive all of the money that was granted for airport improvements, it would not even equal 20%. Stated that it is his concern that the numbers do not add up and the sources of the numbers do not add up. Stated that he feels that the timing for this is wrong and that we should delay this project for no less than 10 months to get some of these concerns answered and to see what happens with our efforts for affordable airfare and our efforts with the new marketing plan at Mid-Continent Airport. Stated that he supports the project but does not think that the Council has all of the financial questions answered and also thinks that we need to make a case that as our passenger numbers increase and there are more airline flights, then we can make a case for this. Stated that if the Council moves forward on this project with few answers and many promises, it could be a recipe for a tax increase.

(Council Member Skelton momentarily absent)

Victor White      Director of Airports stated that a lot of people in the community have asked him why we are doing this and the number one reason is why this project is before the Council is not because of growth and not because of expansion but because of the condition of the facility that they have and the age and the fact that it continues to grow older every day that we wait to do something. Stated that the downsizing of traffic does affect their ability to pay for it and that is a big concern but the reason we are doing this is not because they are trying to expand the building to fit more people in. Stated that the Airport Advisory Board did vote to recommend for the Council to go forward with this project and that there has to be something done because they have a facility that is functionally obsolete. Stated that there is concern that the longer we wait to do something, the more it probably will cost. Stated that the security checkpoint is a prime example of the inefficiency at this airport.

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- Mayor Mayans Mayor Mayans stated that he likes the project and thinks that it would be good for Wichita and economic development and is not saying that we do not need it but is saying that he does not believe that the Council has all of the answers and is not convinced that they will get the answers unless they spend 16 million and they do not know how it is going to be funded or what will happen if that funding, which is not controlled by them, will be replaced and until he has those answers he does not think that it is fair to the tax payers to ask them to support something that they do not have answers for because this is a big decision for the future of Wichita.
- Council Member Skelton Council Member Skelton stated that he also has concerns regarding the financial capacity analysis and is hearing that study is going to tell us what the cost of this airport will be and that he has read when you have an airport with high costs, you lose airlines and lose passengers, which tells him that cost competitiveness is a key factor in what we are trying to do here. Stated that he is not sure that this is the right design and has yet to be sold on it. Stated that he feels that it is reasonable to at least wait until they get the financial capacity analysis and if it is the Council's will to pass the design for this project today, he will not be voting in favor of it and thinks that it would be better to wait.
- Council Member Gray Council Member Gray stated that he sees this as a situation where most people who are criticizing this are criticizing it on three or four different points and one of those points is the uncertainty with the federal government and the grants and he sees that as something that will never go away and will always be an unknown and will never be able to get a commitment and the second one is regarding world circumstances and he cannot let that hold him back from making a decision. Stated that he feels that all of the Council agrees that the necessity exists for an airport and if it is put off and they revisit this issue, the complaints regarding the moving number will remain until the Council takes the step of initiating a design of the structure and that number will be something that will never be put into concrete and will always be a problem. Stated that the Council does have the availability to spend 3 million dollars because they can pull the plug on this project and in 9 to 10 months if it does come back too high, the Council can re-steer them in another direction.
- Council Member Fearey Council Member Fearey stated that what the Council is going to enter into, they can pull out of at any time for \$2.8 million and if they spend the \$2.8 million and decide not to go forward with the project, where does the \$2.8 million come from.
- Victor White Director of Airports explained that it would come from airport revenues and that it is a pay as you go situation.
- Council Member Brewer Council Member Brewer stated that there has been a lot of discussion about what is happening globally and the actual impact of what could possibly happen to us and these are a lot of "what ifs" and we know that airline companies cannot tell you what their prices will be because they do not know until that date. Stated that it is important to recognize that there are numerous bad things happening around the world that can have a significant impact on us but there are some good things that are happening around the world that could actually have a huge impact on our City. Stated that we know for a fact that if we do not do this that this dollar figure will not change 10 months from now or two years from now. Stated that the only thing that the Council is sure of is that the resources that they are going to need and depend on to build this are the things going to those countries that are developing and they are going to continue to go up and whatever that price is today you can be assured that 30 days from now it will be a lot greater and the more resources to be used, the more it will cost. Stated that if the Council sees that there are some problems, the Council can pull out and do we need an airport and the answer is yes for a lot of different reasons that have been identified. Stated that if we do not need an airport, then we know that today and do not need to wait 10 months from now and if we need it today we will need it 10 months from now. Stated that he feels that the Council would be better off to get started and moving on this project and if we continue to wait and put this off, then at some point in time the airport will have to be done and we might not have the individuals in our federal legislature that would be able to or have the power to influence various different funds to come our way. Stated that he feels that the Council should support the Airport Director's recommendation.

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- Mayor Mayans Mayor Mayans stated that he is providing some of the facts for the Council to make a determination on facts and not on promises or what may or may not happen and that he is in favor of the project but we do not have all of the numbers or all of the information but are willing to move ahead with this on promises and not facts. Stated that as a steward of the people's money, the Council needs to be very vigilant and needs to ask the questions and know the facts before we can move on. Stated that each of the Council Members will be held accountable for those numbers either before or after the election.
- Council Member Schlapp Council Member Schlapp stated that she feels that all of the Council is saying that they want the airport and the answers and the way that she understands this is this is the way to get some definitive numbers and today is not saying that we will approve the entire airport project and believes that we are making the statement that we want to find out what those numbers are and want to see the schematics and see exactly what they might be voting on in the future or will be voting on whether they agree to it or not. Stated that she feels that the questions that the Mayor is asking will be answered and they all want the numbers to stop moving and want some definitive numbers and be able to make a vote and is very comfortable with that. Stated that she thought that one of the reasons that was behind the airport rebuild was being brought forward because of security concerns and that this was one of the driving forces behind this and that she is very comfortable with moving forward on this today.
- (Council Member Skelton momentarily absent)
- (Council Member Schlapp momentarily absent)
- Council Member Martz Council Member Martz stated that he agrees that the Council are stewards of the people's money and that is why he is supportive of going ahead with this project today. Stated that by doing nothing and waiting 10 months to start this, would add approximately 10 million dollars to the cost of the airport in 10 months and does not consider that being a steward of the people's money.
- Council Member Gray Council Member Gray stated that he would like to ask the City Attorney if he can tell them where in the contract it says the provisions that everyone is saying is in there about being able to cancel this contract and the amount of time for the deferral. Stated that the longer we put this off it will dramatically increase the cost of the project but if there are specific questions that the Mayor is wanting and can be had in a timely fashion, what are they and how quickly can we get those answers to the Mayor. Stated the he would like to have the Mayor's support on this. Stated that he is suggesting that they make a motion contingent upon changes to the contract that authorizes the Council to sign that contract but only authorizes spending the amount of \$2.8 million dollars so that they are protected that this will not exceed the amount that they authorize.
- Gary Rebenstorf Director of Law stated that he would interpret this contract as saying that the amount of the contract is limited at the \$12.6 but there has to be billings by the consultant to be approved by the Airport Authority and that the billings cannot exceed the progress of the work at that time, so he thinks that the Council has the authority to terminate the contract anytime they want to and to approve or deny any payments for billings that are received from the consultant. Stated that if the consultant would agree to that change in the contract to make a provision that there will be an initial payment of a certain amount, then the Council will review the contract again, that provision can be put in the contract if the consultant agrees to it.
- Mayor Mayans Mayor Mayans stated that he was going to make a motion to delay this but will not because he thinks there is support to approve this and he wanted to make sure that the Council continues to work together like they have. Stated that he feels that the Council needs to have a lot more numbers then what is available now and he is not convinced that 12 or 16 million dollars is necessary to get an idea or frame work of how they are going to pay for this project. Stated that his no vote on this is not a reflection of how he views the project.
- Motion--  
--carried Mayans moved that the contract and capital project budget be approved; the resolution adopted and the necessary signatures contingent on FAA approval authorized. Motion carried 5 to 2, (Nays-Mayans and Skelton).

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## RESOLUTION NO. A06-011

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain program management services to be provided in connection with the design and construction of a new terminal for the Wichita Mid-Continent Airport; providing an estimate of the costs of such services; and providing that all or a portion of the costs of such services shall be paid by the issuance of general obligation bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 5to 2 (Nays-Mayans and Skelton)

### GRANT

#### **PAVEMENT CONDITION INVENTORY, WICHITA MID-CONTINENT AND COLONEL JAMES JABARA AIRPORTS.**

Agenda Report No. 06-0757

A Federal Aviation Administration (FAA) grant assurance that allows the Wichita Airport Authority to receive grant funds requires periodic pavement condition inventories of Mid-Continent and Colonel James Jabara Airport as a part of the airport's overall pavement maintenance management program.

Funds are now available, and staff has prepared a grant application to submit to the FAA.

A grant application has been prepared in the amount of \$141,166.29 for this purpose. The Airport's matching portion of five percent will be funded with Airport Passenger Facility Charges and General Obligation Bonds paid for with airport revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through the continued acceptance of grant funding.

Motion--  
--carried

Mayans moved that the grant application and receipt of funds be approved and the necessary signatures for the documents related to the grant authorized. Motion carried 7 to 0.

### CONTRACT

#### **COLONEL JAMES JABARA AND MID-CONTINENT AIRPORTS PAVEMENT CONDITION INVENTORIES.**

Agenda Report No. 06-0758

The pavement condition inventories are included in the Capital Improvement Program.

In order to comply with Federal Aviation Administration (FAA) grant assurances, it is necessary to conduct periodic airfield pavement condition inventories.

The Staff Screening and Selection Committee interviewed four firms and selected Applied Pavement Technology, Inc. to provide the professional services.

The contract amount for professional services with Applied Pavement Technology, Inc. is \$134,166.29. The total project cost is estimated to be \$150,000.00. Funding is expected to be from AIP Federal Grant funds and General Obligation bonds paid for with Airport Revenue.

The Airport's contribution to the economic vitality of Wichita is promoted through the continued acceptance of grant funding.

The Law Department has approved the contract as to form and the Authorizing Resolution as to legal form.

Motion--  
--carried

Mayans moved that the contract be approved; the resolution adopted; the capital budget approved and the necessary signatures contingent on FAA approval authorized. Motion carried 7 to 0.



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## RESOLUTION NO. A-06-012

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent and Colonel James Jabara Airport Facilities; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

### CITY COUNCIL

#### **BOARD APPTS**

#### **BOARD APPOINTMENTS.**

Council Member Fearey Council Member Fearey requested that Charlie Claycomb be appointed to the Wichita Public Building Commission

Council Member Schlapp Council Member Schlapp requested that Aaron Mays be appointed to DAB II

Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.

#### **ADJOURNMENT**

The City Council meeting adjourned at 12:29 p.m.

Respectfully submitted,

Karen Sublett CMC  
City Clerk

\*\*\*Workshop followed in the First Floor Board Room\*\*\*